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Jc932 U.S. PTO

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>  <small>(Only for new nonprovisional applications under 37 CFR 1.53(b))</small>	Attorney Docket No. 8881-1A
	First Inventor or Application Identifier: Fehring et al.
	Title of Invention: ENHANCED BIOCOMPATIBLE IMPLANTS AND ALLOYS
	Express Mail Label No. EL618191942US

09/13/00  
Jc932 U.S. PTO  
09/660948

ADDRESS TO: ASSISTANT COMMISSIONER FOR PATENTS  
BOX PATENT APPLICATION  
WASHINGTON, DC 20231

Transmitted herewith for filing in the United States Patent Office is a patent application for:

Inventors: Thomas K. Fehring, John Harvie Chaffin, III, Richard Lee Kennedy

1. ☒ The Filing Fee has been calculated as shown below:

	No. Filed	No. Extra	Small Entity Rate	Fee 0	Large Entity Rate	Fee 1
BASIC FEE				\$0		\$690
TOTAL CLAIMS:	6 - 20 =	0	X 9 =	\$0	x 18 =	\$0
INDEP CLAIMS:	1 - 3 =	0	X 39 =	\$0	x 78 =	\$0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+130 =	\$	+260 =	\$
*If the difference in Column 1 is less than zero, enter "0" in Column 2.			TOTAL \$		TOTAL \$	690

The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 16-0605.

- a. ☒ Fees required under 37 CFR 1.16 (National filing fees).  
b. ☒ Fees required under 37 CFR 1.17 (National application processing fees).  
☒ A check in the amount of \$ 690.00 for the filing fee is enclosed.  
☐ The above filing fee will be paid along with Applicant(s) Response to the Notice to File Missing Parts.
2. ☒ Specification; Total Pages 33
3. ☒ 2 Sheets of Formal Drawing(s) (35 USC 113)

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4. ☒ Declaration and Power of Attorney; [Total Pages 5]
- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 16 completed)
- i. ☐ DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) & 1.33(b).
5. ☐ Microfiche Computer Program (Appendix)
6. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Copy
- b. ☐ Paper Copy (identical to computer copy)
- c. ☐ Statement verifying identity of above copies

#### ACCOMPANYING APPLICATION PARTS

7. ☐ Assignment Papers (cover sheet & document(s) (including a check for the \$40.00 fee)
8. ☐ 37 CFR 3.73(b) Statement (when there is an assignee); ☐ Power of Attorney
9. ☐ English Translation Document (if applicable)
10. ☒ Information Disclosure Statement (IDS)/PTO-1449; 0 Copies of IDS Citations
11. ☒ Preliminary Amendment
12. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
13. ☐ Small Entity Statement(s)  
☐ Statement filed in prior application; status still proper and desired.
14. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)  
Foreign Priority is
15. ☐ Other: \_\_\_\_\_
16. **If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment:**

☐ Continuation ☒ Divisional ☐ Continuation in Part (CIP)  
of prior Application No: 09/247,395; Filed February 10, 1999

Prior Application Information: Examiner E. Robert Group/Art Unit: 3732

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. **CORRESPONDENCE ADDRESS**Customer Number or Bar Code Label **000826**

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"Express Mail" mailing label number EL618191942US

Date of Deposit September 13, 2000

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Grace R. Rippy

Grace R. Rippey

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Fehring et al.  
Filed: Concurrently Herewith  
For: ENHANCED BIOCOMPATIBLE  
IMPLANTS AND ALLOYS

September 13, 2000

Assistant Commissioner for Patents  
Washington, DC 20231

**PRELIMINARY AMENDMENT**

Dear Sir:

Please amend the above-identified application as follows:

In The Specification:

On page 1, line 1, please insert the following paragraph:

-- Cross Reference to Related Applications

This application is a division of copending application Serial No. 09/247,395, filed February 10, 1999, which has been allowed. --

In The Claims:

Please cancel Claims 1-16 and 23-34.

Respectfully submitted,

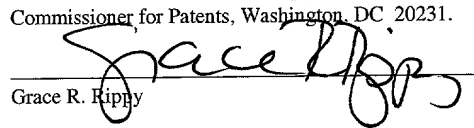


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Grace R. Ripley

## ENHANCED BIOCOMPATIBLE IMPLANTS AND ALLOYS

### Field of the Invention

The invention relates to biocompatible implants and to metal alloys and methods for constructing biocompatible implants. In preferred embodiments, the invention relates to biocompatible joint implants and to materials and methods for constructing these implants.

### Background of the Invention

The replacement of joints with man-made artificial joints, i.e., joint arthroplasty, has grown dramatically in the past several decades. Several different joint replacement systems are currently available. However, the worldwide standard remains a cobalt-base superalloy ball structure which fits into a socket formed of ultra-high molecular weight polyethylene (UHMWPE).

The cobalt-base superalloy used in joint implants, CoCrMo, is particularly desirable because of its biocompatibility, high yield strength, and high hardness.

American Society for Testing and Materials (ASTM) Specification F 1537 94 defines the chemistry of this alloy as set forth below:

Variable	Mean	SD	Min	Max
Age	34.5	10.2	22	55
Gender	0.5	0.5	0	1
Marital status	0.6	0.5	0	1
Education	12.5	1.5	10	15
Income	1500	500	1000	2500
Health status	0.8	0.2	0	1
Employment status	0.7	0.4	0	1
Family size	3.2	1.1	1	5
Home ownership	0.9	0.1	0	1
Auto ownership	0.8	0.2	0	1
Life satisfaction	4.5	1.2	1	7
Subjective health	5.2	1.5	1	7
Life expectancy	78.5	5.5	70	90
Quality of life	6.8	1.8	1	10
Healthcare access	0.9	0.1	0	1
Health insurance	0.9	0.1	0	1
Healthcare costs	1200	400	800	1800
Healthcare quality	7.5	1.5	5	10
Healthcare satisfaction	6.5	1.5	3	10
Healthcare access	0.9	0.1	0	1
Health insurance	0.9	0.1	0	1
Healthcare costs	1200	400	800	1800
Healthcare quality	7.5	1.5	5	10
Healthcare satisfaction	6.5	1.5	3	10

	Min.	Max.
C	--	0.35
Mo	5.0	7.0
Cr	26.0	30.0
Ni	--	1.0
Fe	--	0.75
Mn	--	1.0
Si	--	1.0
N <sub>2</sub>	--	0.25

There is also an ISO specification covering CoCrMo, ISO 5832-12, which is identical in chemistry and very similar otherwise to ASTM F 1537 94.

5                    This alloy is solid solution hardened by the presence of Mo and to some extent Cr, and precipitation hardened by chromium carbides. In addition, the wrought version of the CoCrMo alloy is strengthened by work hardening. This can be accomplished by cold working (e.g. drawing or rolling at room temperature) or by warm working (e.g. rolling at relatively low temperatures within the allowable working  
10                    temperature range.)

The presence of carbon, in particular, is considered critical to achieve necessary strength properties via the precipitated carbides. Although carbide strengthening is more important for the cast alloy and particularly at elevated temperatures (see Sims, C. T., Stoloff, N.S. and Hagel, W.C., *The Superalloys II*, pp 135-163 (John Wiley & Sons, 1987); nevertheless, even in the wrought alloy which has a relatively low carbon content (typically 0.05%), there are normally huge numbers of very small ( $<5\mu\text{m}$ ) carbide particles dispersed throughout the alloy matrix. It is also not unusual to find slightly larger particles of the intermetallic compound, sigma, present in the alloy. Sigma is a very hard and brittle compound of the general formula,  $\text{Co}_x(\text{Cr}, \text{Mo})_y$ .







improve the frictional characteristics of the articulating surfaces of artificial joints. The pebbled and dimpled patterns can provide reservoirs for lubrication fluids and also provide possible sites for trapping otherwise deleterious wear particles.

Despite numerous studies and research extending over many years, polyethylene wear debris generation in artificial joints remains a significant problem and a substantial cause of long term implant failure. Although numerous modifications and alternatives have been proposed for CoCrMo alloys, the current wrought alloys continue to be the material of choice, particularly for construction of articulating joint surfaces, despite the surface deterioration that occurs over periods of long term use of these alloys.

#### Summary of the Invention

The invention provides improved biocompatible implant alloys and methods of constructing artificial implants having improved long term wear properties. Biocompatible implant alloys provided according to the invention can have hardness and strength properties comparable to or greater than the standard CoCrMo alloy, with significantly improved fatigue life and superior wear properties with UHMWPE. Artificial implant constructions and methods provided according to another aspect of the invention are capable of eliminating latent defects that can promote long term failure of joint implants.

According to a first aspect of the invention, artificial implant components are formed of a biocompatible metal alloy having a hardness greater than about 40 Rc, a yield strength greater than about 120, and a grain size finer than ASTM 10, and which is essentially free of carbide, nitride, and sigma particles. Preferably, the alloy is an essentially single-phase alloy, i. e., the alloy is essentially free of all second phase particles.

In one advantageous embodiment of the invention, the biocompatible implant alloy is formed of a cobalt-base alloy, preferably a CoCrMo alloy, which is substantially free of carbide, nitride, and sigma second phase particles. In accordance with this aspect of the invention, it has been found that second phase particles can be essentially eliminated in CoCrMo alloys while maintaining biocompatibility, high strength and high hardness values equivalent to or exceeding conventional CoCrMo

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implant alloys. Moreover, it has been found that elimination of the carbide, nitride and sigma phase particles from CoCrMo alloys can substantially improve the wear properties and fatigue properties of the alloy.

While not wishing to be bound by theory, it has been found that second  
5 phase particles on or in the surface of conventional CoCrMo alloy implant structures can detach from, or out of, the alloy surface during accelerated aging in a saline environment, in the complete absence of abrasive contact on the surfaces of the implants. Although the exact cause for separation of the second phase particles is not fully understood, it is believed that separation occurs because the second phase particles have chemical and  
10 electrical properties that are different from the remainder of the cobalt-base alloy. In turn, the different electrical and chemical properties of the different portions of the alloy can lead to galvanic corrosion, and/or differential chemical erosion of the alloy surface. Irrespective of the mechanism or cause for detachment of the second phase particles from the main alloys, it is now apparent that these particles are highly susceptible to loosening and removal during the long-term residence time of an implant within the saline and  
15 abrasive environment of the body. In turn, the hard second phase particles and the pitted ball surface can generate substantial abrasive wear of a joint implant ball surface, *in vivo*.

The single phase, high hardness, high strength, biocompatible alloys  
provided according to the invention are particularly desirable for use in the bearing, i.e.,  
20 articulating, surfaces of implant components in artificial hip, knee, shoulder, ankle, elbow and other joint implants because they do not generate detached second phase particles, and accordingly minimize third body wear during long term use.

The alloys of the invention are also desirably used to form implant  
components and fixation structures that are in a juxta-articular position to other implant  
25 components, since release of second phase particles may otherwise enhance loosening of implants via various biological responses. In addition, the biocompatible alloys of the invention are also desirably used to form non-articulating implant and fixation devices, and non-articulating components of articulating implant structures. Thus, the alloys of the invention are also desirably used to form various implant stems, base plates and the  
30 like, including, for example, acetabular and femoral components of hip replacement implants; tibial and femoral components of knee replacement implants; tibial and femoral



implants and implant components are prepared using a precision cutting or metal removal operation, which does not leave a thin layer of deformed or damaged material, or otherwise deform the metal alloy.

It has now been found that mirror-smooth surfaces on commercially available balls of femoral implants contain latent, sub-surface scratches, gouges, and rough areas that can be "developed" by exposing the balls to non-abrasive accelerated aging in a saline environment, i.e., accelerated aging in the absence of abrasive contact. More surprising, it has been found that the types and numbers of defects developed during non-abrasive, accelerated aging of unused femoral balls substantially match the defects seen on balls recovered during revision of failed conventional total hip arthroplasties (metal to plastic articulation). It is now believed that the traditional grinding and polishing steps used to prepare articulating implant surfaces generate a polished alloy layer that conceals scratches, and other rough areas formed during an early stage of the manufacturing process. Although various types of subsurface damage of alloy structures by machining operations have been observed before in other technological fields, surface defects on articulating surfaces of alloy implants have been thought due to abrasive contact, *in vivo*. Despite substantial study and numerous investigations extending over many years, it has not been previously suggested that conventional grinding and polishing might constitute a substantial cause of surface deterioration, *in vivo*, of articulating surfaces of cobalt-base alloy implants.

#### Brief Description of the Drawings

In the drawings which form a portion of the original disclosure of the invention:

Figure 1 is a Scanning Electron Microscope micrograph, taken at a magnification of 1000X, of the polished surface of a conventional, prior art, wrought CoCrMo bar stock;

Figure 2 is a Scanning Electron Microscope micrograph, taken at a magnification of 5000X, of the same wrought CoCrMo bar stock shown in Figure 1;

Figure 3 is a Scanning Electron Microscope micrograph, taken at a magnification of 1000X of the polished surface of a sample of wrought CoCrMo bar stock product according to the present invention;

Figure 4 is a Scanning Electron Microscope micrograph of the same bar stock as shown in Figure 3, taken at a magnification of 5000X;

Figure 5 is a Scanning Electron Microscope (SEM) micrograph, taken at a magnification of 3540X, of a portion of the surface of a commercially available CoCrMo femoral implant ball component, in its virgin, mirror-polished condition;

Figure 6 is an SEM micrograph, taken at a magnification of 2650X, of a portion of the surface of a commercially available CoCrMo femoral implant ball component after treatment by an accelerated chemical aging test;

Figures 7, 8, 9 and 10 are optical micrographs, each taken at a magnification of 100X using a Nomarski microscope, of CoCrMo alloy femoral balls recovered during revision of failed conventional total hip arthroplasties, and respectively illustrate pits, scratches, gouges, and rough patches developed during long term *in vitro* use;

Figures 11, 12, 13 and 14 are optical micrographs, each taken at a magnification of 100x using a Nomarski microscope, of a commercially available CoCrMo femoral implant ball component after non-contact accelerated chemical aging, conducted in human synovial fluid for 8.6 days at 159°C; and

Figure 15 schematically illustrates a precision laser inspection apparatus capable of identifying surface defects, of a size greater than 5 micrometers, on the articulating spherical surface of the ball components of joint implants.

#### Detailed Description of the Preferred Embodiments

In the following detailed description, various preferred embodiments of the invention are described. It will be understood, however, that the invention is not to be limited to its preferred embodiments. But to the contrary, the invention includes various alternatives and modifications as will be apparent to the skilled artisan from a consideration of the foregoing and from the following detailed description of preferred embodiments of the invention.

### Biocompatible Single Phase Implant Alloys

Figure 1 is an SEM micrograph, taken at a magnification of 1000X, of the polished surface of a sample of conventional, prior art, wrought CoCrMo bar stock product prepared according to ASTM Standard F 1537, in the warm worked and air cooled condition, and having a chemical composition typical of wrought CoCrMo alloys used to prepare implant components. Figure 2 is an SEM micrograph, taken at a magnification of 5000X, of the same wrought CoCrMo bar stock shown in Figure 1. As seen in Figures 1 and 2 this alloy has a microstructure with an extremely large numbers of small second phase particles, which is characteristic of conventional wrought CoCrMo alloys prepared according to ASTM F 1537. The second phase particles have been identified in the literature and by SEM as chromium carbides,  $(Cr_xC_y)$ , and sigma ( $\sigma$ ) phase intermetallic compounds,  $(Co)_x(Cr, Mo)_y$ .

Figures 3 and 4 are SEM micrographs, taken at magnification of 1000X and 5000X, respectively, of the polished surface of a sample of wrought CoCrMo bar stock product in the identical warm worked and air cooled condition, according to the present invention. As can be seen, this alloy shows a microstructure which is almost completely free of second phase particles, in contrast to the prior art wrought CoCrMo alloys of Figures 1 and 2. In addition, the alloy of Figures 3 and 4 also meets all requirements of ASTM Standard F 1537, however, the composition of this alloy has been adjusted as compared to the prior art alloys of Figures 1 and 2, to maintain the alloy components and compounds thereof within solubility limits.

Although conventional wisdom attributes significant strengthening of CoCrMo alloys to the presence of second phase carbide particles, test samples cut from alloys of the present invention in the warm worked plus air cooled condition and subjected to tensile testing revealed very little difference in tensile properties from prior art alloys (standard commercial practice) as detailed in example 5, despite the almost complete absence of second phase carbide particles in the bar stock of Figures 3 and 4. Indeed, the bar stock of Figures 3 and 4 exhibits improved wear and fatigue properties as detailed in Examples 4 and 5. Moreover, the absence of carbides and sigma phase

particles in this alloy has significant long term wear ramifications for artificial implant structures and components as discussed below.

Figure 5 is a Scanning Electron Microscope (SEM) micrograph, taken at a magnification of 3540X, of a portion of the surface of a commercially available CoCrMo femoral implant ball component, in its virgin, mirror-polished condition. At this high magnification, a plurality of protrusions, or bumps **10**, 1-10 microns in size, are seen extending outwardly of the surface **20** of the implant ball even though the ball surface is highly polished and smooth when evaluated by standard, e.g., precision contact profilometry, procedures. The particular ball surface of Figure 5 is believed to have a higher density of bumps than most commercially available CoCrMo femoral ball components. However, similar protrusions are believed to be present in varying densities and sizes on all conventional CoCrMo femoral ball components.

Figure 6 is an SEM micrograph, taken at a magnification of 2650X, of a portion of the surface of a commercially available CoCrMo femoral implant ball component after treatment by an accelerated chemical aging test. The accelerated aging test was carried out by immersing the ball in human synovial fluid inside a sealed aluminum pressure vessel, and heating the pressure vessel to a temperature of 159°C, plus or minus 1°C, for 8.6 days. This test is believed to simulate the chemical interactions between the joint synovial fluid and the ball surface that generally corresponds to an *in vivo* chemical interaction period of 12 years at body temperature, as explained in Example 6. Implant balls traditionally have a flat portion which connects to the implant stem, as is well known to the skilled artisan, and this flat surface rested on the interior bottom surface of the pressure vessel during the test, so that no part of the spherical surface was in contact with any material except synovial fluid. The accelerated aged ball surface of Figure 6, which is representative of the surfaces of a plurality of commercially available CoCrMo femoral implant balls subjected to accelerated aging, is seen to be distinctly different from the virgin ball surface of Figure 5. Substantially all bumps have been replaced by angular pits **30**, generally less than 5 microns in size and typically in the 1 to 2 micron range.

Analytical testing generally verifies that the pits **30** in the surfaces of accelerated aged balls shown in Figure 6, result from detachment of the bumps **10**

originally present on the virgin ball surfaces of Figure 5. In particular, examination of the virgin ball surfaces of Figure 5 by Energy Dispersive x-ray Spectroscopy (EDS), (an elemental analysis procedure for very small portions of a surface to a sub-surface depth of about one micron), revealed an alloy base matrix **20** composed of primarily chromium and cobalt, with small amounts of molybdenum and silicon. In contrast the bumps **10** were strongly enriched in chromium (depleted in cobalt) with about the same amount of molybdenum as the matrix. No silicon was detectable by EDS. Examination by Scanning Auger Microanalysis (SAM), (an elemental surface analysis procedure to a depth of three nanometers) verified the EDS results and also revealed that the bumps **10** contained carbon, in carbide form, and a small amount of oxygen. Neither carbon nor oxygen were found in the alloy matrix **20**.

Initial analysis of the pit **30** in Figure 6 by EDS and SAM showed chromium enrichment and high carbon content as well as a low cobalt content. Subsequently the top layer of the pit was eroded by argon sputtering to determine the chemical profile below the surface of the pit. Following a very brief period of sputtering it was found that the carbon signal diminished to a nominal level, and the cobalt signal increased to a typical level for the matrix of this alloy. Apparently the bottom of the pit **30** included a very thin layer of a chromium-carbon compound (probably chromium carbide), that remained following detachment of a second phase chromium carbide particle from the alloy matrix **20**.

Because the accelerated aging test did not replicate any of the mechanical stresses or wear seen by the articulating surface of the femoral implant balls during 10 to 12 years of use, the effects of third body wear or abrasive metallic wear seen by the actual implant *in vivo* would not be represented due to the non-articular nature of this test. Accordingly the generation of the pits **30** from the bumps **10** must be attributed to chemical interaction.

Although not fully understood, it is believed that the second phase particles are released due to the chemical and/or electrical differences between the second phase particles and the surrounding alloy matrix. For example, contact between different metals in the presence of an electrolytic solution is known to induce galvanic corrosion at the metal interface, e.g., in the area surrounding a second phase particle. Alternatively, it



is known that chromium oxide forms on the surface of chromium containing alloys and provides a corrosion-protective film on the base metal. Accordingly, areas which are chromium-lean may have dissolution rates greater than chromium-rich areas leading to non-uniform oxidative degradation. This may occur in alloy areas adjacent chromium carbide, or other second phase particles. As indicated above, the particle itself is rich in chromium while the surrounding area is deplete in chromium. Accelerated dissolution of the metal surrounding the carbide may weaken the alloy matrix surrounding the carbide, so that it eventually breaks off from the matrix leaving a pit.

Irrespective of the mechanism, released carbide, sigma, or other second phase particles can be a source of third body wear, potentially causing damage to the polyethylene joint socket and/or to the femoral head. The irregular pitted surface of the basal matrix can also cause and/or potentiate increased wear. Although wear rates are probably more influenced by peaks than valleys, the irregular nature of these pits probably has some detrimental effect on wear.

Accordingly, artificial implant components according to the present invention are formed of a biocompatible metal alloy substantially free of carbide and sigma second phase particles and preferably essentially free of any second phase particles. The implant and components of the invention are particularly desirable for use in forming articulating implant components in artificial hip, knee, shoulder, ankle, elbow and other joints because they do not generate second phase particles, and/or pitted surfaces. In addition, single phase alloys are also desirably used to form non-articulating elements of joint implants such as implant stems and nails, screws, and plates, because of the alloy's improved stability and/or strength. The alloys of the invention are also desirably used to form implant components and fixation structures that are positioned in juxtarticular locations in the body since release of second phase particles may otherwise enhance loosening of implants via various biological responses, and may cause chemical changes in body fluids and tissues.

A preferred single phase biocompatible implant alloy according to the invention is formed of cobalt-base alloy, preferably a CoCrMo alloy, which is essentially free of carbide and sigma second phase particles. The cobalt-base alloy compositions of the invention are prepared using conventional apparatus and processes known to those

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skilled in the art. Preferably, the alloy components are melted in a vacuum induction furnace to produce an electrode, which is subsequently remelted by vacuum arc (VAR) or electroslog remelting (ESR) to accomplish refining of the alloy, i.e., reduction or removal of undesirable elements such as O<sub>2</sub>, removal of volatile elements, plus complete and uniform mixing. The resulting ingot is subsequently thermomechanically processed by a combination of forging, rolling and finishing operations (as will be known to the skilled artisan) to a final bar stock of the appropriate size and mechanical characteristics.

In general, the quantity of carbon present in the composition should be below about 0.07 wt.% in order to prevent the formation of second phase carbide particles. However, as we have discovered, the exact limits on carbon will vary depending upon the quantities of other alloying components in the melt. Thus, carbon can be maintained in solution in warm worked and air cooled bar in higher quantities, without the formation of insoluble carbides (in a cobalt-base alloy) when Mo, Cr, and /or Si components are maintained in lower levels in the alloy. This can be seen clearly from Example 1, Table A. In particular, samples prepared from a forged and air cooled bar of heat G917-1 of Example 1 were completely free of carbides phase. After increasing the Mo, Cr and Si content, while all other elements remain almost unchanged (especially C), heat G917-2 had large amounts of small carbide and larger, blocky sigma phase particles. These differences are clearly shown in Figures 1-4.

Preferably, the alloy of the invention comprises a chromium content of from about 26 to about 28 wt. %, and a molybdenum content from about 5 to about 6 wt. %, solubilized carbon is preferably included in the alloy in an amount up to about 0.07 wt. %, less than 0.10 wt. % Si, less than 0.02 wt. % Ti and up to about 1 wt. % nickel, up to about 0.75 wt. % iron, up to about 1 wt.% manganese, with balance Co and incidental impurities.

As discussed previously, cobalt-chromium-molybednum alloys form a hard intermetallic compound known as sigma phase. In order to avoid formation of insoluble sigma phase materials, the ratio of wt. % cobalt to the sum of wt. % chromium plus one half the wt. % molybdenum is preferably maintained in the range of below about 0.450 max.

Preferably, the alloy composition includes from about 0.10 to about 0.25 weight percent nitrogen which is added as a strengthener. However, it has been found that nitrogen compounds can react to form blocky second phase TiN particles in CoCrMo alloys in the presence of even very small traces of titanium. Although titanium is not usually added as a purposeful component, in order to prevent the formation of undesirable second phase TiN particles, titanium content should be restricted to 0.02 wt. % maximum when nitrogen is added.

Although forging processes will generally tend to improve the structure and improve all mechanical properties, i.e., strength, hardness, fatigue, etc., of the alloy, implant components can be prepared according to the invention from cast alloys where maximum mechanical properties are not required. As discussed previously, the alloys of the invention are essentially free of carbide, nitride and sigma second phase particles and are preferably essentially free of all second phase particles. In this regard, it is to be noted that in general, it is not possible to eliminate all second phase particles from an alloy. Returning briefly to Figures 3 and 4, it will be seen that several small particles can be seen in the structure (albeit dramatically fewer than in Figures 1 and 2). These particles are aluminum oxides resulting from the Al deoxidizing additions to each heat and/or the melting refractories employed in manufacture. They are separate and apart from the carbides and sigma phase particles observed in Figures 1 and 2, and are undoubtedly present in both heats. As used herein, the phrase "essentially free of second phase particles" is intended to include the alloys of Figures 3 and 4 and similar alloys in which minute amounts of various incidental, non-uniformly distributed particles can be found in the matrix.

In the most preferred embodiments of the invention, single phase, high strength biocompatible alloys are provided having a composition consisting essentially of about 26 to about 27 weight percent chromium, about 5 to about 5.5 weight percent molybdenum, up to about 0.8 weight percent without Ni up to about 0.5 weight percent manganese, up to about 0.5 weight percent iron, up to about 0.05 percent by weight carbon, up to about 0.20 weight percent nitrogen, less than about 0.10 weight percent Si, less than about 0.02 weight percent Ti, less than about 0.10 weight percent Al, the remainder of the alloy constituting cobalt and impurities. These implant alloys can be

provided in a cast or wrought condition. Preferably, the wrought alloy has a hardness of about 35 R<sub>c</sub>, more preferably at least about 40 R<sub>c</sub>, and a yield strength of at least about 120 Ksi, more preferably at least about 130 Ksi. Alloy compositions according to the present invention within these ranges meet all existing chemical and mechanical regulations set forth in ASTM F 1537 94.

#### Latent Surface Defects

Figures 7, 8, 9 and 10 are optical micrographs taken at a magnification of 100X using a Nomarski microscope of femoral balls recovered during revision of failed conventional total hip arthroplasties (metal to plastic articulation) and illustrate pits, scratches, gouges, and rough patches developed on CoCrMo balls during long term *in vivo* use. In each case, the femoral balls had been used for a period exceeding ten years.

Figures 11, 12, 13 and 14 are optical micrographs, each taken at a magnification of 100x using a Nomarski microscope, of a commercially available CoCrMo femoral implant ball component after treatment using the accelerated chemical aging test discussed previously in connection with Figure 6 and described in greater detail in Example 6. Even though the balls shown in these figures had nearly flawless surfaces prior to accelerated aging, and even though no abrasive contact was applied to the articulating ball surface during accelerated aging, the defects shown in Figures 11-15 were developed during aging. These defects are strikingly similar to the defects on used femoral balls as shown in Figures 7-10.

The pits shown in the *in vivo* used femoral ball of Figure 7 and in the artificially aged femoral ball of Figure 11 are believed due to the inclusion of second phase particles in the CoCrMo alloy used to manufacture the balls as discussed previously. Although scratches, gouges, and rough areas have previously been observed in CoCrMo femoral balls after *in vivo* use, these defects have been attributed to abrasive wear. However, as shown above, the same defects can be generated by long term aging in human synovial fluid without abrasive contact.

As explained in greater detail in Example 6, a comparison of the defects on *in vivo* used femoral balls as compared to defects developed during accelerated

chemical aging, has shown that there was no statistical difference between the numbers and types of defects observed in the *in vitro* artificially aged, and the *in vitro* aged balls.

According to the second aspect of the invention, the larger, macro-defects such as scratches, gouges, and roughened areas depicted in Figures 7-10 and 11-15 are substantially minimized or eliminated. In accordance with this aspect of the invention, machine shaped articulating surfaces of cobalt-base alloy implants and implant components are prepared using precision cutting or metal removal operations which remove metal without deforming the metal alloy left on the surface of the implant or implant component.

Currently commercial available femoral balls are made by machining processes which involve grinding followed by a final surface polishing step. The conventionally used grinding and polishing steps deform the metal alloy sufficiently to form hidden or latent macro-defects which can be developed during use of the femoral balls. In accord with the present invention, these latent macro-defects are eliminated or minimized by using cutting operations which do not deform the metal alloy structure or provide a surface layer of deformed alloy.

In particular, precision metal cutting and metal removal processes and apparatus that can be used according to the invention include precision single point turning apparatus and operations, chemical machining operations, electrochemical machining operations, laser beam machine operations, and electrochemical grinding operations such apparatus and operations being well known to the skilled artisan. In addition, multiple step grinding operations which are conducted in sufficiently small incremental steps and using sufficiently sharp grinding media and conditions so that metal is removed and not deformed, can be employed according to this aspect of the invention. Although polishing as a final step may be used in order to remove burrs and the like, substantial conventional polishing is not preferred since it is believed that polishing deforms and moves the alloy structure sufficiently to provide a layer covering or containing defects in the surface of the precision machined component.

Cutting operations may be evaluated to determine whether they avoid deforming the alloy structure sufficiently to avoid causing latent defects, according to this aspect of the invention, using the artificial aging technique described previously and



These two ingots were removed from the vacuum furnace, heated side-by-side in a gas fired furnace to a temperature of 2150°F, then forged to 1" x 1" square bars using identical practices.

Test samples were cut from these bars in the warm worked and air cooled condition for metallographic examination. There were striking differences in their micro-structure. Figures 1-4 show the typical structure at 1000X and 5000X for both materials as discussed previously. Heat G917-2 shows the large number of carbides and sigma phase particles typically seen in wrought bar of the CoCrMo alloy of ASTM 1537 (prior art). In contrast, Heat G917-1 shows a structure which is almost completely free of second phase particles.

TABLE A

	G917-1		G917-2		WB41	
	Aim	Analysis	Aim	Analysis	Aim	Analysis
C	0.050	0.53	0.050	0.52	0.010	0.009
Mo	5.50	5.36	6.75	6.64	5.25	5.15
Cr	26.50	26.32	28.50	27.19	26.50	26.24
Ni	<0.06	0.60	<0.60	0.61	0.75	0.69
Co	Bal	67.42	Bal	63.60	Bal	66.90
Fe	LAP	0.08	LAP	0.09	LAP	0.14
Mn	LAP	0.01	0.85	0.87	0.75	0.72
Ti	<0.01	0.01	<0.01	0.01	<0.01	0.01
Al	0.10	0.09	0.10	0.06	0.10	0.08
Si	LAP	0.01	0.85	0.89	LAP	0.01
N <sub>2</sub>	0.185	0.129	0.185	0.142	0.180	0.118
Ca	0.04	0.004	0.04	<0.001	0.04	0.004
<u>Cr + 1/2 Mo</u>		0.43		0.48		0.43
Co						

## Example 2

To confirm the results of Example 1, another heat of CoCrMo alloy of the improved composition and essentially free of second phase particles, was produced (WB41) Table A. This time a slightly larger quantity (150#) of material was produced and the melting and hot working practices were closer to those used in current commercial production. Vacuum induction melting was used to produce a 4.25" diameter X 150 lb electrode, which was vacuum arc remelted to a 5.50" diameter x 150 lb ingot. The ingot was homogenized at 2200°F and forged at a temperature in the range from 2150°F to 2050°F, to an intermediate size, followed by hot rolling to 0.984"

diameter bar at 2050°F. Metallographic examination of the hot rolled bar showed the microstructure of WB41 to be nearly identical to that of G917-1. That is, the bar stock from heat WB41, in the warm worked and air cooled condition was completely free of carbides and sigma phase particles in marked contrast to samples examined from commercial heats which contain numerous second phase particles.

### Example 3

Nitrogen is conventionally considered to be a strengthener for the CoCrMo alloy and is purposely added as an alloying element. Occasionally this results in the presence of large, blocky second phase particles in the alloy which have been identified as TiN. While titanium is not usually present in the alloy as a purposeful addition, it has been discovered that even very small traces will result in undesirable TiN particles. A series of samples were prepared by vacuum melting high purity virgin raw materials. Titanium content was purposefully varied from zero to 0.75 wt. % Ti while all other elements, including N<sub>2</sub>, were held constant at levels which are typical for this alloy. Results illustrated that no nitrides were visible at 500X for titanium additions of 0.01 wt. %. However, with an addition of only 0.03 wt. %, large numbers of small titanium nitride particles were clearly visible in the microstructure and their size and quantity grew as Ti content was further increased.

### Example 4

To determine the wear characteristics of preferred alloys of this invention, a widely used experimental pin-on-disk test was performed in accordance with the American Society for Testing & Materials procedure ASTM F 732-82 (Reapproved 1991), "Reciprocating Pin-on-Flat Evaluation of Friction and Wear-Properties of Polymeric Materials Used in Total Joint Prostheses." In addition to the alloy of Example 2, samples were selected from a random commercial heat of CoCrMo bar (EF26) of about the same size and from a commercial heat of 316 stainless steel (ASTM F 138) as a reference standard. Flat disks (25mm wide x 100mm long x 6mm thick) were prepared from all three metals and all were finished by polishing through 2000 grit paper to a mirror finish. Roughness measurements made with non-contact surface profilometry



demonstrated that all samples were comparable to values observed for orthopaedic implants, and that there was no statistically significant difference between samples. Pins (9.5mm diameter x 19mm long) were machined from Ultra High Molecular Weight Polyethylene (UHMWPE) bar produced in accordance with ASTM F 648 followed by gamma irradiation sterilization and pre-soaking in serum to a constant weight.

Testing was performed on a reciprocating bench under the following conditions (Table B):

TABLE B  
Experimental Conditions for Wear Testing

Total Slide Distance	150 km
Sliding Distance per Cycle	0.01 m
Average Surface Velocity	0.01 m/s
Contact Area	71.25 mm <sup>2</sup> (0.11 in <sup>2</sup> )
Metal Counterface Finish (RMS)	0.002 - 0.006 µm
Lubricant	Blood Bovine Serum + 0.2% Sodium Azide + 20mM Ethylene Diamine Tetraacetate (EDTA)

A series of six test coupons were run from each of the CoCrMo samples and three from the 316SS reference material. Results are shown in the following Table C:

TABLE C

Wear Parameters of Ultra High Molecular Weight Polyethylene vs. Test Alloys

Average Steady State Wear Calculations	UHMWPE vs. CoCrMo - EF26 (Commercial Alloy)	UHMWPE vs. CoCrMo - WB41 (Alloy of the Present Invention)	UHMWPE vs. 316L SS (Reference Standard)
Calculated Wear Rate (mg/10 <sup>6</sup> )	0.1167±0.0104	0.0692±0.0063	0.1800±0.1040
Corrected* Wear Rate (mg/10 <sup>6</sup> )	0.1297±0.0104	0.0822±0.0063	0.1997±0.1040
Volume Loss (p = 0.93, mm <sup>3</sup> /10 <sup>6</sup> )	0.1395±0.112	0.0884±0.095	0.1516±0.0323
Height Loss (μm/10 <sup>6</sup> )	1.958±0.157	1.241±0.095	2.127±0.454
Wear Factor ((mm <sup>3</sup> /(Nm) * 10 <sup>-7</sup> )	0.7990±0.0641	0.5064±0.0388	0.8683±0.1851

\*Weight changes measured in loaded control tests were used to correct for creep during testing according to Dowson, et al. "Wear," 190:171-183, (1995).

These data show a substantial and statistically significant reduction in the wear rate of the UHMWPE when rubbing against the alloy of this invention (WB41) as compared to the standard commercial CoCrMo alloy (EF26) and the reference 316SS.

#### Example 5

To determine the fatigue properties of the alloy prepared in Example 2, test samples were machined from bar in the warm rolled and air cooled condition and tested in accordance with standard specifications MIL-1-45206, Rev. A, Amendment 1 (24 July 8) and MIL-STD-45662, Rev. A.

As a basis of comparison, samples were likewise machined from bar samples in the same condition from a standard commercial heat of Co-Cr-Mo Alloy ASTM 1537 (Prior Art). Both materials were produced in essentially the identical manner.

Since fatigue life for metals is directly proportional to yield strength, tensile tests were performed from both lots of materials with the results presented in



\*Specimens taken from 0.937 diameter bar in the as-rolled condition.

\*\*Tensile tests performed according to ASTM E 8, hardness tests according to ASTM E 18.

\*\*\*Grain size measurements to ASTM E 112, comparison method.

TABLE E

Smooth Rotating Beam Fatigue Test Results\*

	Sample No.	Applied Stress (Ksi)	Total Cycles	Fatigue Locations
Heat No. WB41 (Alloy of Present Invention)	1	105	10,000,000	Unloaded
		135	4,905,640	Gage
	2	115	10,000,000	Discontinued
	3	125	10,000,000	Discontinued
	4	135	9,196,872	Gage
	5	130	10,000,000	Discontinued
	6	130	9,289,000	Gage
JK60 (Standard Commercial Alloy)	1	105	10,000,000	Discontinued
	2	115	6,507,000	Gage
	3	110	15,377,000	Gage
	4	110	10,000,000	Discontinued
	5	115	10,000,000	Discontinued

\*0.200" Diameter Samples, Low Stress Grind, Room Temperature Tests in Air, Fully Reversed Bending (R = -1).

Example 6

This example illustrates accelerated aging of CoCrMo femoral balls. Fifteen commercially available CoCrMo femoral implant balls were obtained from five manufacturers (three balls from each manufacture). The balls were artificially aged according to an accelerating aging test by immersing the balls in human

synovial fluid inside a sealed aluminum pressure vessel and heating the pressure vessel to a temperature of 159°C plus or minus 1°C, for 8.6 days. The vessels were sealed by Teflon gaskets in order to prevent the escape of vapor during the heating. It was estimated that a pressure of about 250 psi existed during the tests.

5                   The test was designed to simulate 12 years of chemical interaction at body temperature based on the Arrhenius equation:

$$R = Ae^{-E/kT},$$

where R is the chemical reaction rate, A is a constant, E is the activation energy of the reaction, k is Boltzmann's constant, and T is the Kelvin temperature of the reaction.

10       Increasing the temperature will increase the reaction rate as follows:

$$mR = Ae^{E/k(T+\Delta T)}$$

where m is the multiplication factor and  $\Delta T$  is the rise in the temperature. If  $\Delta T$  is small compared to T, then:

$$\Delta T = kT^2 \ln(m)/E.$$

15       For a doubled reaction rate, m is 2, E is taken to be 0.6 electron volts (which is a value near many chemical reactions), and T is 310.15°K (human body temperature), which gives a  $\Delta T$  of 10°K. To replicate the *in vivo* aging of 12 years over a relatively short test time, it is necessary to increase the *in vitro* reaction rate by a factor of several hundred. Since the equation is non-linear with respect to temperature, and valid only for small  
20       values of  $\Delta T$ , the equation was applied in nine sequential steps. The nine steps included the first step which started at an initial T of 310.15°K, (body temperature), to find the value of  $\Delta T$ , which was then used to calculate T for the next step, and so on. In this manner it was determined that a temperature of 159°C should increase reaction rate by a factor of  $2^9$ , i.e., 512, as compared to body temperature. Thus, 8.6 days at 159°C should  
25       produce a chemical interaction between the joint synovial fluid and the ball surface generally corresponding to an *in vivo* chemical interaction period of 12 years.

The artificially aged balls were removed from the test fluid and then examined for defects using the apparatus shown in Figure 15. With reference to Figure 15, collimated laser light at 632.8 nm wavelength is supplied from laser **50** to a converging lens **52** which focuses the light and causes the laser beam **54** to diverge. The divergent light was directed to the surface of a test femoral ball **58** which rested upon a small rotatable table **60**. The laser light hitting the ball was reflected from the ball onto a curved screen which was concentric with the center of the ball. The portion of the reflected light reflected away from the screen was blocked by a card (not shown) to protect the eyes of the observers. As the ball was rotated, macroscopic defects appeared on the screen as dark features which were magnified by a factor of 4. These dark features, usually surrounded by an optical diffraction pattern, moved across the screen as the ball was rotated and could be counted as they crossed a line **66**, on the screen as the ball was rotated through one revolution. This gave the number of defects on the ball above a size of about 5 micrometers.

Two groups of femoral balls were analyzed. Three virgin femoral balls were supplied by each of five orthopedic manufacturers and subjected to accelerated aging as discussed above. A control group of five harvested balls were obtained during revision of failed conventional total hip arthroplasties (metal to plastic articulation). Each ball in the control harvested group had at least ten years of *in vivo* service life prior to revision.

The results of analyzing surface defects on both groups of balls are shown in Tables F and G below, in which Table F shows the total number of defects for each ball, while Table G shows the average number of defects of each type for the groups of balls tested.

TABLE F

Virgin Balls		Harvested Balls	
Sample No.	Damage	Sample No.	Damage
1-1	8	H-1	13
1-2	10	H-2	20
1-3	8	H-3	15
2-1	13	H-4	15
2-2	10	H-5(S.S.)	High damage
2-3	20	H-6(S.S.)	High damage
3-1	17	H-7	13
3-2	11	H-8	17
3-3	9	H-9	16
4-1	11	H-10	13
4-2	12	H-11	7
4-3	19	H-12	17
44-1	13	H-13	13
44-2	16	H-14	11
44-3	9	H-15	11
Average degradation	12.4		13.9
Standard deviation	3.91		3.3
One standard error	1.01		0.916

TABLE G

Group	Virgin Balls	Harvested Balls
Pits	8.58	7.07
Scratches	2.0	1.46
Gouge	1.46	3.76
Rough Patch	1.53	1.75

Note: This table shows the average values per sample for each kind of defect.

While particular embodiments of the invention have been described, it will be understood, of course, that the invention is not limited thereto since modifications may be made by those skilled in the art, particularly in light of the foregoing teachings. It is therefore, contemplated by the appended claims to cover any such modifications that incorporate those features of these improvements in the true spirit and scope of the invention.

## THAT WHICH IS CLAIMED

1. An artificial implant comprising at least one component formed of a biocompatible metal alloy, said biocompatible metal alloy being essentially free of carbide, nitride, and sigma second phase particles and having a hardness greater than about 40 R<sub>c</sub>, a yield strength greater than about 120, and a grain size finer than about  
5 ASTM 10.
2. The artificial implant of Claim 1 wherein said biocompatible metal alloy is essentially free of all second phase particles.
3. The artificial implant of Claim 1 wherein said biocompatible metal alloy is a cobalt-base alloy.
4. The artificial implant of Claim 2 wherein said biocompatible metal alloy is a cobalt-base alloy.
5. The artificial implant of Claim 3 wherein said biocompatible metal alloy is a forged CoCrMo alloy.
6. The artificial implant of Claim 5 wherein said implant is an artificial joint implant and said at least one component comprises an articulating surface of said implant.
7. The artificial implant of Claim 6 wherein said at least one component comprises a ball component of said implant.
8. The artificial implant of Claim 5 wherein said implant is an artificial joint implant and said at least one component comprises a non-articulating component of an articulating implant.



9. The artificial implant of Claim 5 wherein said implant is a fracture fixation device.

10. The artificial implant of Claim 5 wherein said at least one component is selected from the group consisting of nails, screws, and plates.

11. The artificial implant of Claim 5 wherein said biocompatible metal alloy consists essentially of about 26 to about 28 weight percent chromium, about 5 to about 6 weight percent molybdenum, up to about 1 weight percent manganese, up to about 1 percent nickel, up to about 0.75 weight per iron, up to about 0.07 percent by weight carbon, up to about 0.25 weight percent nitrogen, less than about 0.10% Si, less than about 0.02% Ti, the remainder of the alloy constituting cobalt and impurities.

12. The artificial implant of Claim 11 wherein said implant is an artificial joint implant and said at least one component comprises an articulating surface of said implant.

13. The artificial implant of Claim 12 wherein said at least one component comprises a ball component of said implant.

14. The artificial implant of Claim 11 wherein said implant is an artificial joint implant and said at least one component comprises a non-articulating component of an articulating implant.

15. The artificial implant of Claim 11 wherein said implant is a fracture fixation device.

16. The artificial implant of Claim 15 wherein said at least one component is selected from the group consisting of nails, screws, and plates.

17. A biocompatible cobalt-base alloy comprising chromium and molybdenum, said alloy being essentially free of carbide, nitride, and sigma second phase particles.

18. The biocompatible cobalt-base alloy of Claim 17 said alloy being essentially free of any second phase particles.

19 The biocompatible cobalt-base alloy of Claim 17 wherein said alloy is a forged alloy.

20. The biocompatible metal alloy of Claim 19, wherein said alloy has a hardness greater than about 40 R<sub>c</sub>.

21. The biocompatible metal alloy of Claim 20, wherein said alloy has a yield strength greater than about 120.

22. The biocompatible metal alloy of Claim 21, wherein said alloy has a grain size, and a grain size finer than about ASTM 10.

23. The biocompatible metal alloy of Claim 1, wherein said alloy consists essentially of:

from about 26 to about 28 weight percent chromium;

from about 5 to about 6 weight percent molybdenum;

up to about 1 weight percent manganese;

up to about 1 weight percent nickel;

up to about 0.75 weight percent iron;

up to about 0.07 weight percent carbon;

the remainder of the alloy being cobalt and impurities.

24. The biocompatible metal alloy of Claim 23 further comprising; nitrogen in an amount up to about 0.25 weight percent;



5

30. The method of Claim 26 wherein said precision machining step is conducted without deforming the structure of said alloy sufficiently that the mean average increase in surface defects of a size above 5 micrometers is greater than 1 when said implant component is subjected to said accelerated chemical aging.

5

31. The method of Claim 27 wherein said alloy consists essentially of:  
from about 26 to about 28 weight percent chromium;  
from about 5 to about 6 weight percent molybdenum;  
up to about 1 weight percent manganese;  
up to about 1 weight percent nickel;  
up to about 0.75 weight percent iron;  
up to about 0.07 weight percent carbon; the remainder of the alloy being cobalt and impurities.

5

32. The method of Claim 31 wherein said alloy further comprises nitrogen in an amount sufficient to increase hardness of said alloy up to about 0.25 weight percent, less than about 0.10% Si; and less than about 0.02% Ti.

33. The method of Claim 32 wherein said alloy is essentially free of carbide, nitride and sigma second phase particles.

34. The method of Claim 31, wherein said precision machining step is conducted by a technique selected from the group consisting of precision single point turning operations, chemical machining operations, electrochemical machining operations, laser beam machine operations, and electrochemical grinding operations.

5

## ENHANCED BIOCOMPATIBLE IMPLANTS AND ALLOYS

### Abstract of the Disclosure

5       The invention provides improved biocompatible implant alloys and  
methods of constructing artificial implants having improved long term wear properties.  
Cobalt-base biocompatible implant alloys provided according to the invention are  
essentially free of carbide, nitride and sigma second phase particles, and can have  
hardness and strength properties equivalent to or greater than the standard CoCrMo alloy  
with significantly improved fatigue life and superior frictional contact properties with  
10       UHMWPE. Artificial implant constructions and methods provided according to another  
aspect of the invention are capable of eliminating latent defects that can promote long  
term failure of joint implants.

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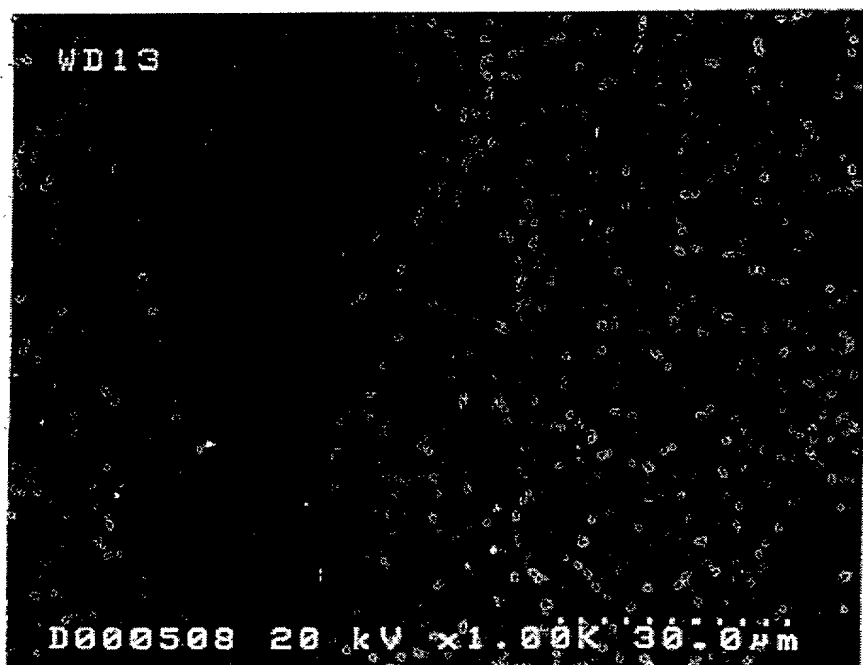


FIG 1



FIG 2

WD13

D000509 20 kV x1.00k' 30.0um

Fig 3

WD13

D000509 20 kV x1.00k' 30.0um

WD12

D000515 20 kV x5.00K 6.00um

Fig 4

WD12

D000515 20 kV x5.00K 6.00um

2010-2011		2011-2012		2012-2013		2013-2014		2014-2015		2015-2016		2016-2017		2017-2018		2018-2019		2019-2020		2020-2021		2021-2022		2022-2023		2023-2024		2024-2025		2025-2026		2026-2027		2027-2028		2028-2029		2029-2030		2030-2031		2031-2032		2032-2033		2033-2034		2034-2035		2035-2036		2036-2037		2037-2038		2038-2039		2039-2040		2040-2041		2041-2042		2042-2043		2043-2044		2044-2045		2045-2046		2046-2047		2047-2048		2048-2049		2049-2050		2050-2051		2051-2052		2052-2053		2053-2054		2054-2055		2055-2056		2056-2057		2057-2058		2058-2059		2059-2060		2060-2061		2061-2062		2062-2063		2063-2064		2064-2065		2065-2066		2066-2067		2067-2068		2068-2069		2069-2070		2070-2071		2071-2072		2072-2073		2073-2074		2074-2075		2075-2076		2076-2077		2077-2078		2078-2079		2079-2080		2080-2081		2081-2082		2082-2083		2083-2084		2084-2085		2085-2086		2086-2087		2087-2088		2088-2089		2089-2090		2090-2091		2091-2092		2092-2093		2093-2094		2094-2095		2095-2096		2096-2097		2097-2098		2098-2099		2099-2100		2100-2101		2101-2102		2102-2103		2103-2104		2104-2105		2105-2106		2106-2107		2107-2108		2108-2109		2109-2110		2110-2111		2111-2112		2112-2113		2113-2114		2114-2115		2115-2116		2116-2117		2117-2118		2118-2119		2119-2120		2120-2121		2121-2122		2122-2123		2123-2124		2124-2125		2125-2126		2126-2127		2127-2128		2128-2129		2129-2130		2130-2131		2131-2132		2132-2133		2133-2134		2134-2135		2135-2136		2136-2137		2137-2138		2138-2139		2139-2140		2140-2141		2141-2142		2142-2143		2143-2144		2144-2145		2145-2146		2146-2147		2147-2148		2148-2149		2149-2150		2150-2151		2151-2152		2152-2153		2153-2154		2154-2155		2155-2156		2156-2157		2157-2158		2158-2159		2159-2160		2160-2161		2161-2162		2162-2163		2163-2164		2164-2165		2165-2166		2166-2167		2167-2168		2168-2169		2169-2170		2170-2171		2171-2172		2172-2173		2173-2174		2174-2175		2175-2176		2176-2177		2177-2178		2178-2179		2179-2180		2180-2181		2181-2182		2182-2183		2183-2184		2184-2185		2185-2186		2186-2187		2187-2188		2188-2189		2189-2190		2190-2191		2191-2192		2192-2193		2193-2194		2194-2195		2195-2196		2196-2197		2197-2198		2198-2199		2199-2200		2200-2201		2201-2202		2202-2203		2203-2204		2204-2205		2205-2206		2206-2207		2207-2208		2208-2209		2209-2210		2210-2211		2211-2212		2212-2213		2213-2214		2214-2215		2215-2216		2216-2217		2217-2218		2218-2219		2219-2220		2220-2221		2221-2222		2222-2223		2223-2224		2224-2225		2225-2226		2226-2227		2227-2228		2228-2229		2229-2230		2230-2231		2231-2232		2232-2233		2233-2234		2234-2235		2235-2236		2236-2237	
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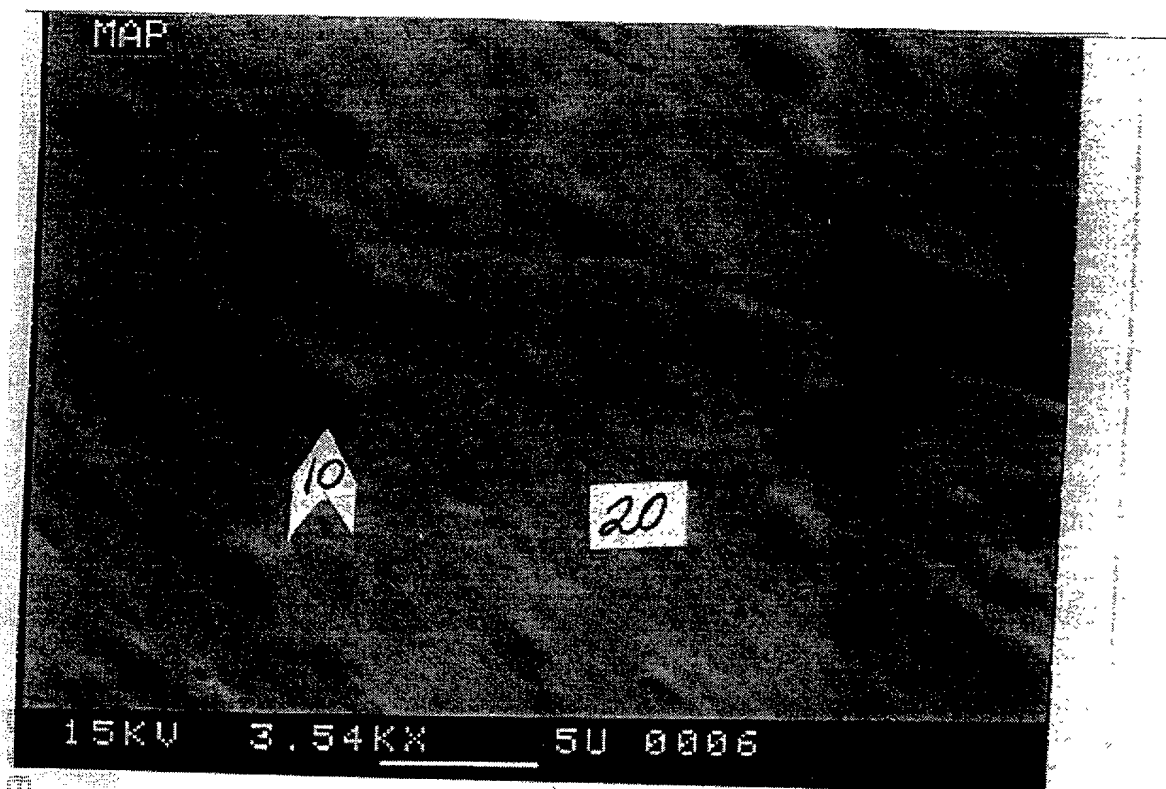


Fig 5

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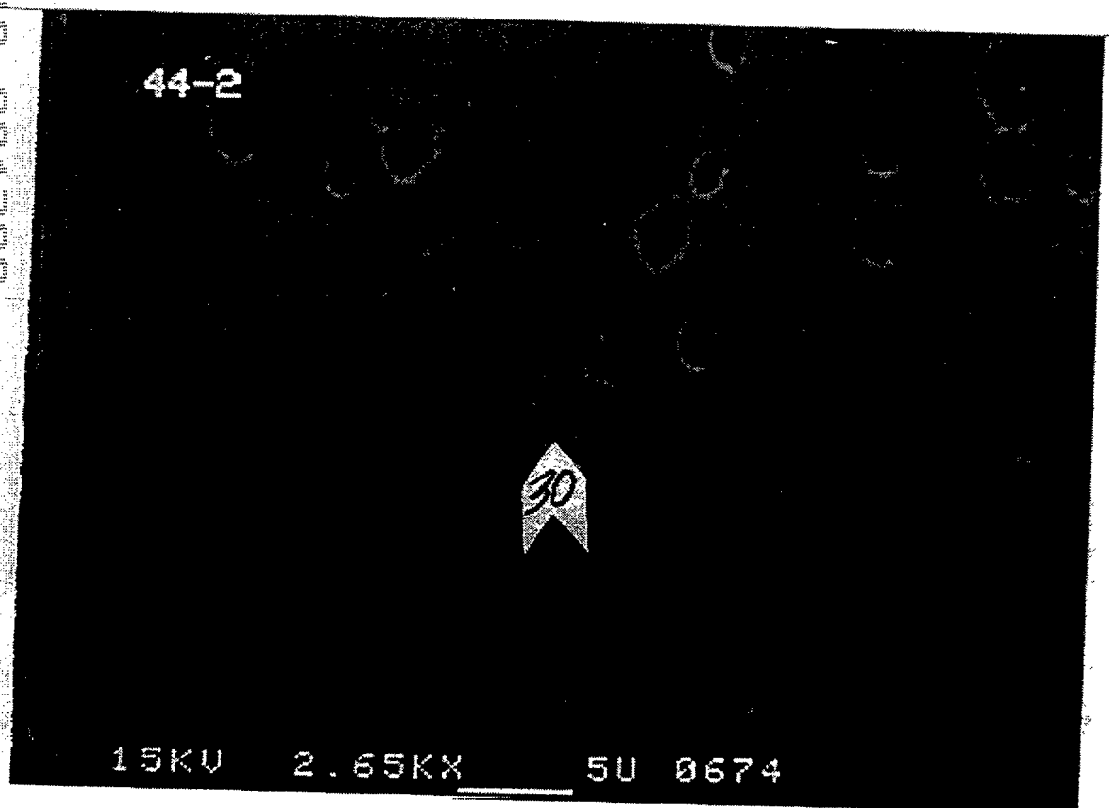


Fig 6



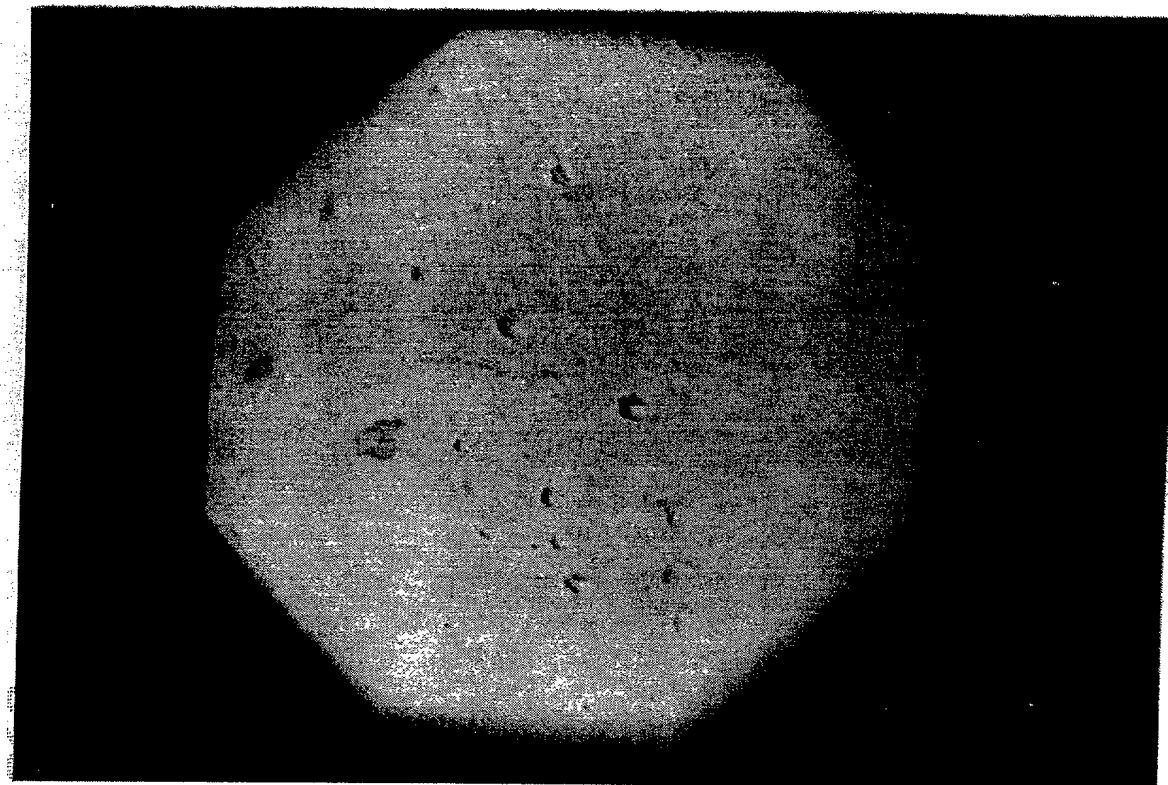


Fig 7

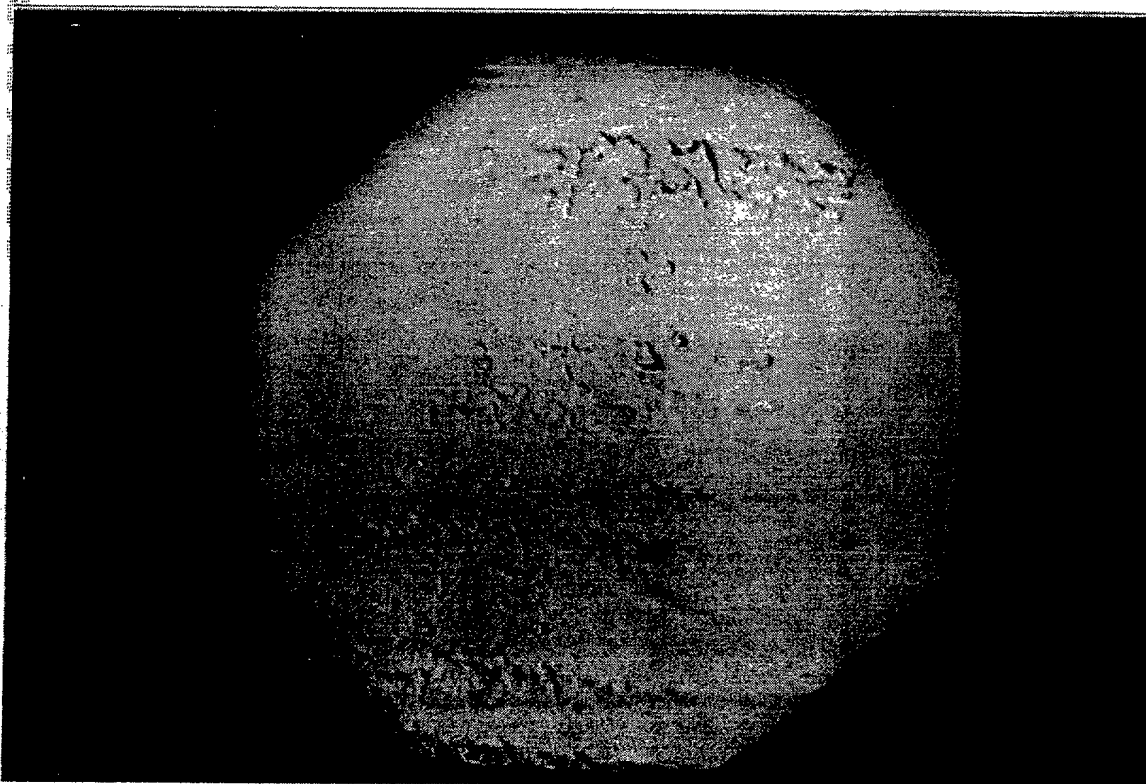


Fig 8

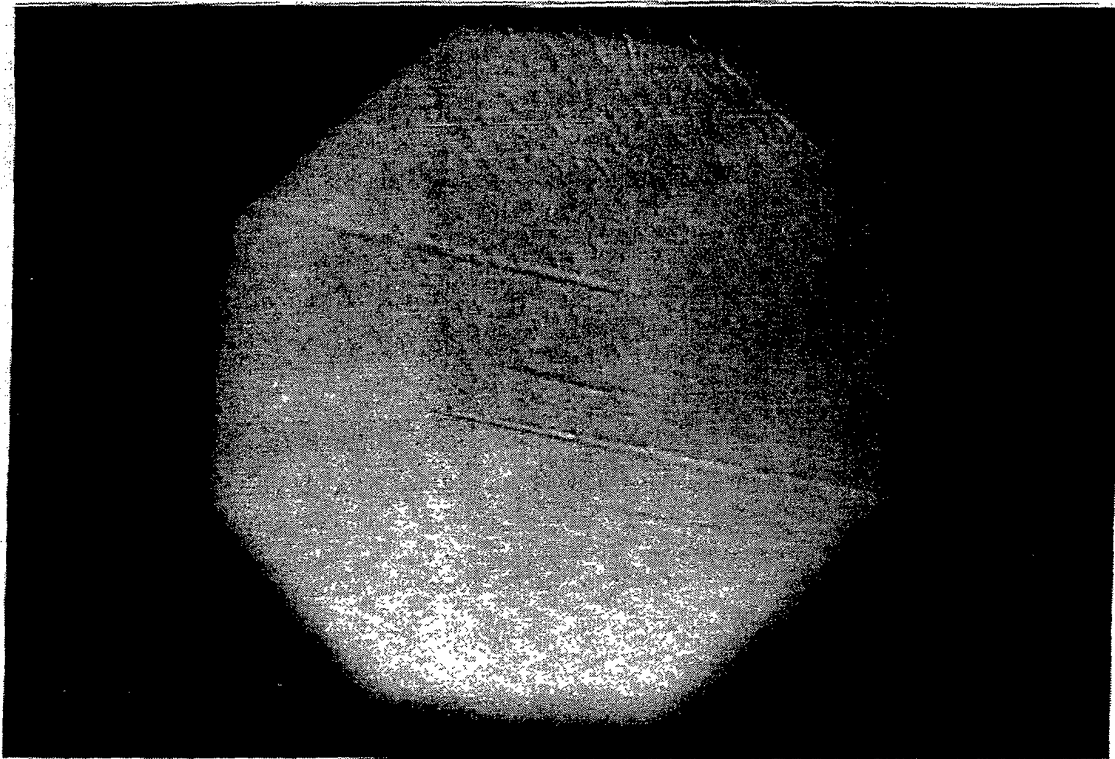


FIG 9

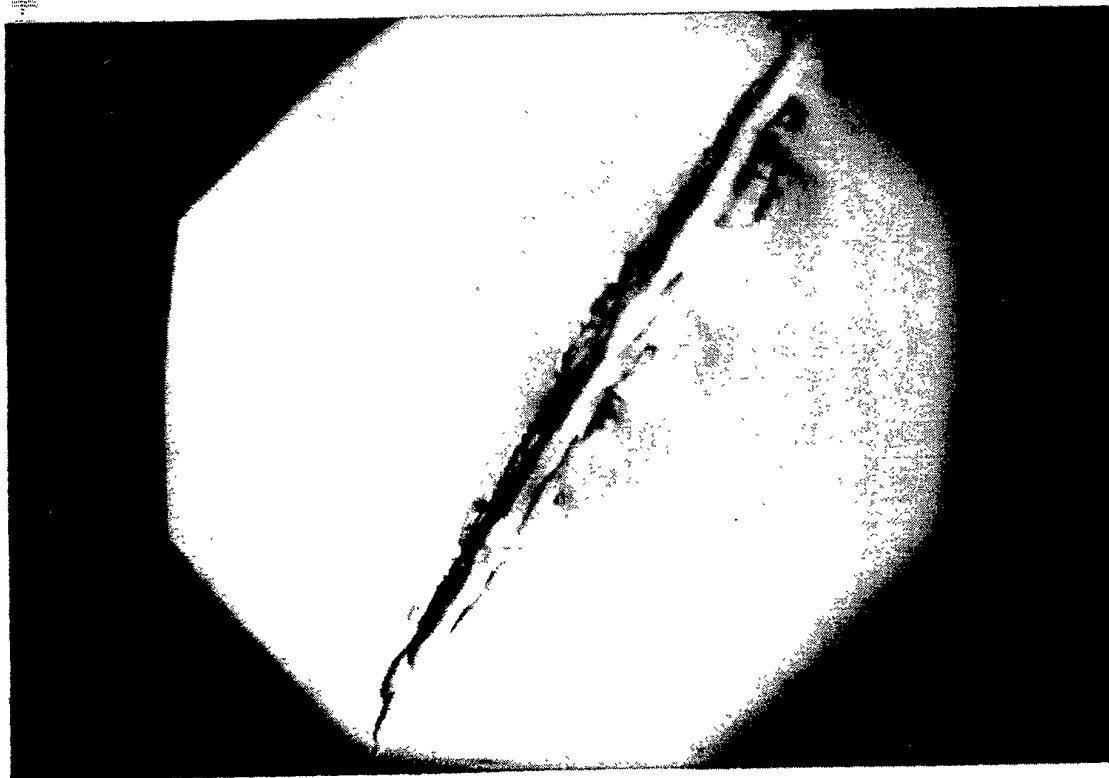


FIG 10

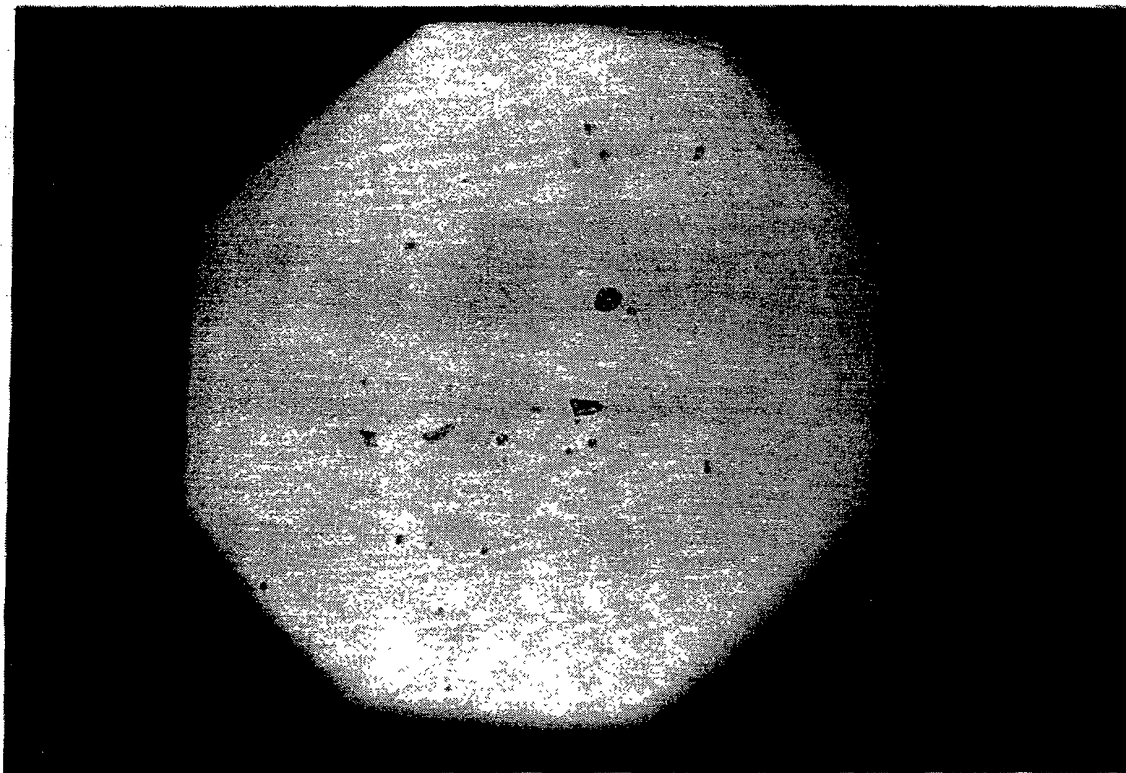
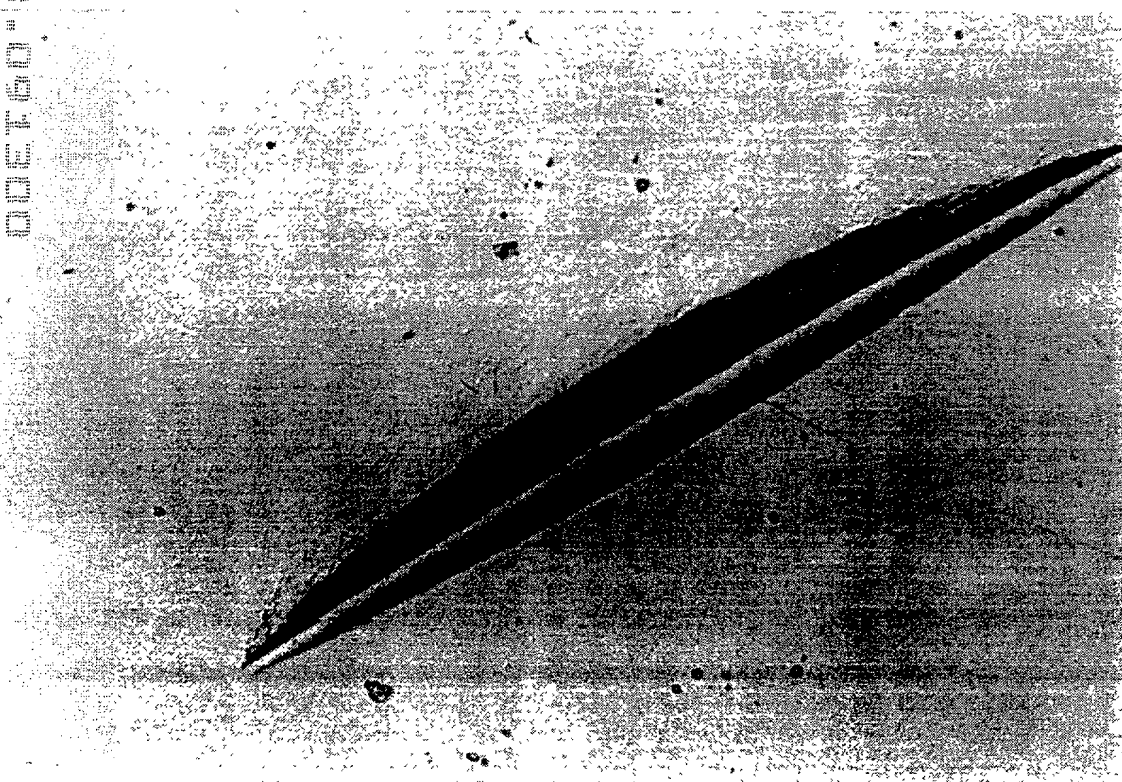


FIG 11



FIG 12



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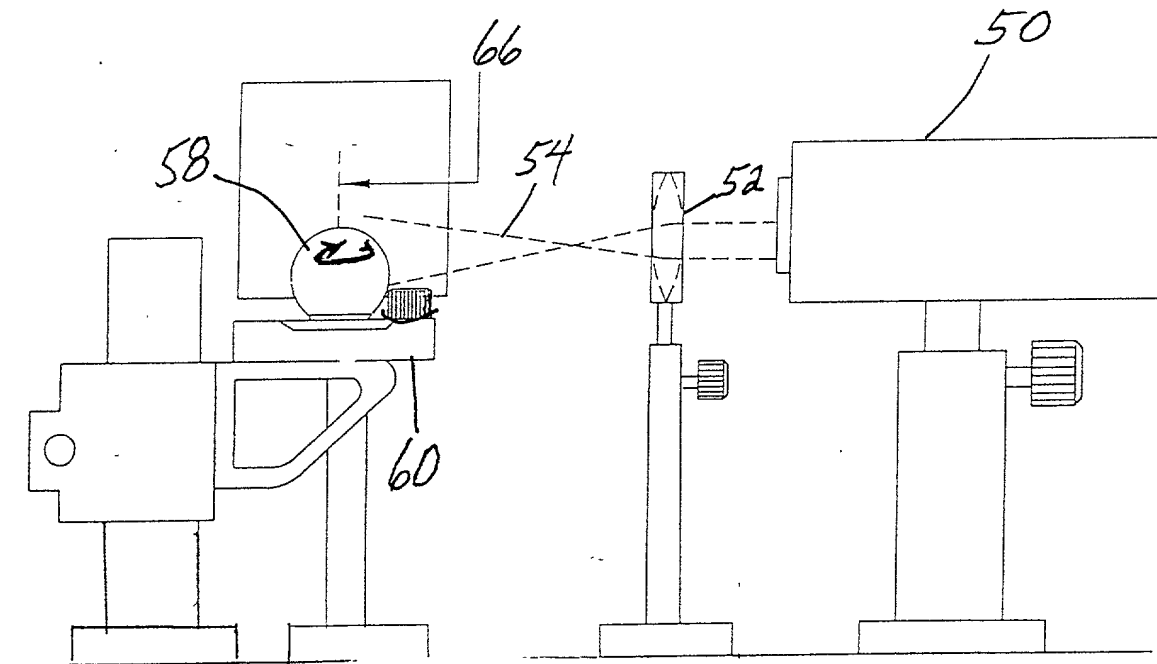


Fig 15

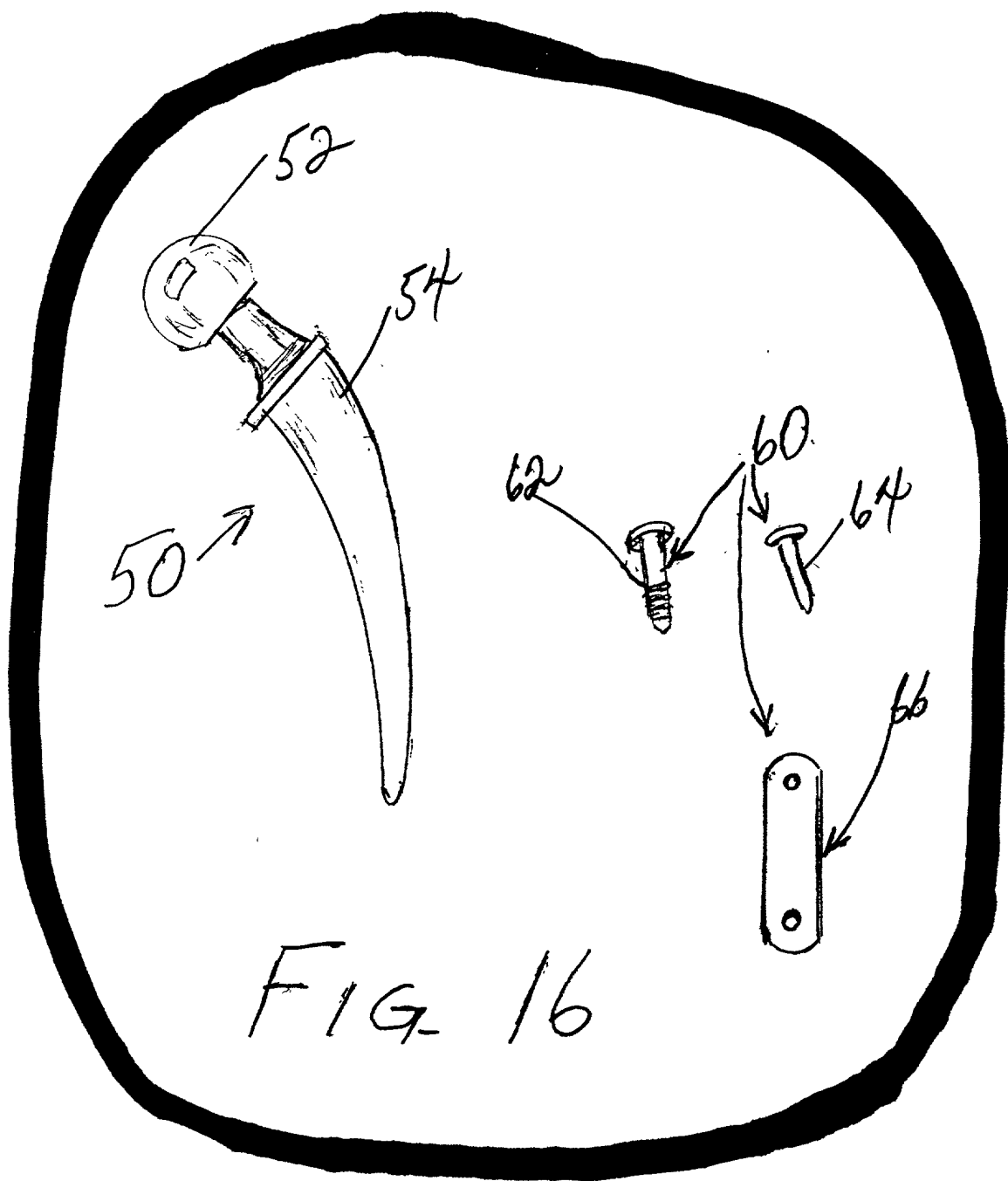


FIG. 16

# DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

Attorney Docket No. 8881-1

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

ENHANCED BIOCOMPATIBLE IMPLANTS AND ALLOYS,

the specification of which

☐ is attached hereto

OR

☒ was filed on 2/10/1999 as United States Application No. or PCT International Application

Number 09/247,395 and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT International application having a filing date before that of the application on which priority is claimed.

			<input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed
			<input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed
			<input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

Application Number	Filing Date (MM/DD/YYYY)
Application Number	Filing Date (MM/DD/YYYY)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application (37 C.F.R. § 1.63(d)).

Application No.	Filing Date	Status Patented/Pending/Abandoned
Application. No.	Filing Date	Status Patented/Pending/Abandoned
Application No.	Filing Date	Status Patented/Pending/Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



POWER OF ATTORNEY: As a named inventor, I hereby appoint the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to that Customer Number:

**Customer Number 000826**

Direct correspondence to the  
attention of and telephone calls to:

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Inventor's  
Signature: John Harvie Chaffin Date: 4/20/99  
Residence: Concord, North Carolina  
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